

August 29, 2003

**OFFICE OF THE HEARING EXAMINER
KING COUNTY, WASHINGTON**

850 Union Bank of California Building
900 Fourth Avenue
Seattle, Washington 98164
Telephone (206) 296-4660
Facsimile (206) 296-1654

REPORT AND DECISION

SUBJECT: Department of Development and Environmental Services File No. **E0300076**

DANIEL L. McKAY
Code Enforcement Appeal

Location: 1631 South 124th Street, Seattle

Appellant: **Daniel L. McKay**
P.O. Box 69391
Seattle, WA 98188
Telephone: (206) 878-1876

King County: Department of Development and Environmental Services
represented by **DenoBi Olegba**
900 Oakesdale Avenue Southwest
Renton, Washington 98055-1219
Telephone: (206) 205-1528
Facsimile: (206) 296-6604

SUMMARY OF DECISION/RECOMMENDATION:

Department's Preliminary Recommendation:	Deny appeal
Department's Final Recommendation:	Deny appeal
Examiner's Decision:	Appeal denied

EXAMINER PROCEEDINGS:

Hearing Opened:	August 21, 2003
Hearing Closed:	August 21, 2003

Participants at the public hearing and the exhibits offered and entered are listed in the attached minutes.
A verbatim recording of the hearing is available in the office of the King County Hearing Examiner.

FINDINGS, CONCLUSIONS & DECISION: Having reviewed the record in this matter, the Examiner now makes and enters the following:

FINDINGS:

1. On June 18, 2003, the King County Department of Development and Environmental Services, Code Enforcement Section, issued a notice and order to Daniel McKay regarding property located at 1631 South 124th Street. The property was cited within the notice and order for an accumulation of inoperable vehicles, auto parts, assorted salvage and debris; conversion of the basement into a dwelling unit, conversion of an unheated attic into a habitable space, and construction of an additional detached dwelling unit in the rear yard without required building permits; and maintenance of a substandard dwelling, including a hole in the wall allowing access to a nest of hornets, weak flooring around the bathtub and improper molding and caulking around the shower and tub area. The site is 7,137 square foot lot within the R-6 zone. Mr. McKay filed a timely appeal of the notice and order requesting more time to complete the site repairs and cleanup.
2. The matters cited within the notice and order are supported by the photographic evidence submitted to the record by staff. The photographs show vehicles parked in the front, side and back yards of the property, and at least three of them are inoperable. The photographs also depict junk, debris and salvage parts on the property, a rotting bathroom floor, and improper conversion of spaces into areas for human habitation.
3. Mr. DenoBi Olegba of the Code Enforcement section met with Mr. McKay shortly prior to the August 21, 2003, public hearing. Mr. Olegba reports that progress has been made in bringing the property into code compliance. The attic and basement have been reconverted to non-residential uses, and much of the vehicles and junk and debris has been removed. Remaining work to be done includes the removal of two trucks from the property and interior repairs. Mr. Olegba and Mr. McKay have agreed to a timeline for the completion of this work.

CONCLUSIONS:

1. The evidence of record supports the citations contained within the notice and order. The notice and order must be upheld and the appeal denied.

DECISION:

The appeal is **DENIED**.

ORDER:

1. No fines or penalties shall be assessed against the Appellant's property if within 60 days of the date of this order the property is brought into code compliance in the manner agreed to by the Appellant and Code Enforcement Section staff. This includes removal of the two remaining inoperable trucks from the property and completion of required interior repairs.

2. If the deadline stated above in paragraph one is not met, DDES may assess penalties and fines against the property retroactive to the date of this order.

ORDERED this 29th day of August, 2003.

Stafford L. Smith
King County Hearing Examiner

TRANSMITTED via certified mail on this 29th day of August, 2003, to the following:

Daniel L. McKay
P.O. Box 69391
Seattle, WA 98188

TRANSMITTED this 29th day of August, 2003, to the parties and interested persons of record:

Daniel L. McKay
P.O. Box 69391
Seattle WA 98188

Elizabeth Deraitus
DDES/LUSD
Code Enf. Supvr.
MS OAK-DE-0100

Patricia Malone
DDES/LUSD
Code Enf. Section
MS OAK-DE-0100

DenoBi Olegba
DDES/LUSD
Code Enforcement
MS OAK-DE-0100

Heather Staines
DDES/BSO
Code Enf.-Finance
MS OAK-DE-0100

Gilbert Walters
3038 S. 152nd
SeaTac, WA 98188

NOTICE OF RIGHT TO APPEAL

The action of the hearing examiner on this matter shall be final and conclusive unless a proceeding for review pursuant to the Land Use Petition Act is commenced by filing a land use petition in the Superior Court for King County and serving all necessary parties within twenty-one (21) days of the issuance of this decision. The Land Use Petition Act defines the date on which a land use decision is issued by the Hearing Examiner as three days after a written decision is mailed.

MINUTES OF THE AUGUST 21, 2003, PUBLIC HEARING ON DEPARTMENT OF DEVELOPMENT AND ENVIRONMENTAL SERVICES FILE NO. E0300076.

Stafford L. Smith was the Hearing Examiner in this matter. Participating in the hearing were DenoBi Olegba, representing the Department; and Gilbert Walters, representing the Appellant.

The following exhibits were offered and entered into the record:

- Exhibit No. 1 DDES staff report to the Hearing Examiner for the 8/21/03 hearing
- Exhibit No. 2 Copy of Notice and Order, issued 6/18/03
- Exhibit No. 3 Copy of appeal, received 7/07/03
- Exhibit No. 4 Copies of codes cited in the Notice and Order
- Exhibit No. 5 Photographs (8, color) of subject property
 - A Photographs (3, color) of subject property
 - B Photographs (6, color) of subject property
 - C Photographs (8, color) of subject property
 - D Photographs (7, color) of subject property

SLS:ms
E0300076 RPT